

From: Kyle Bresin
To: Microsoft ATR
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Subject: Microsoft Settlement

There are many other parts of the settlement that concern me, but have included only my main concern for brevity.

I would like to comment on two elements of the proposed Microsoft settlement that I believe do not serve the Public Interest in any significant way, and which, I believe, are particularly necessary to ensure that Microsoft stops abusing it's operating system monopoly.

The settlement should specifically prevent Microsoft from integrating it's operating system and applications too closely, this is the only way to make sure there is room for other microsoft application compatible operating systems to enter into the market.

This requires two steps. One, that the court ensure that Microsoft publishes it's APIs. This does nothing to harm a legitimate Microsoft, in fact, having clearly defined and abstracted APIs between the OS and it's applications is considered to be "best practices" in the software field. A seemingly reasonable request for one of the most successful software companies in the world.

The second step is to prevent the current definitions (specifically definitions A,J,K,U need revision) of API and Middleware that have been crafted in such a way to exclude key Microsoft products, along with creating a half-dozen loopholes that are clear as day to anyone with sufficient technical knowledge. The actual remedies are inconsequential as long as Microsoft is allowed to dictate when and where they have to apply them! An extensive rewrite of the current definitions seems in order, or, at the very least, using the definitions from the original finding of fact...

Respectfully,

kyle.

Kyle Bresin